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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/783,085	
	Filing Date	February 20, 2004	
	First Named Inventor	Kenneth David HARRIS, Jr. et al.	
	Group Art Unit	3671	
	Examiner Name	Tara L. Mayo	
Total Number of Pages in This Submission		Attorney Docket Number	033964-1060

ENCLOSURES (check all that apply)		
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Signature	
Date	August 31, 2006

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Docket No. 033964-1060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) Confirmation No. 6251
Kenneth David HARRIS, Jr. et al.) Group Art Unit: 3671
Application No. 10/783,085) Examiner: Tara L. Mayo
Filed: February 20, 2004)
For: FOLDABLE MASSAGING BED REST) Date: August 31, 2006

REQUEST FOR RECONSIDERATION

Mail Stop Commissioner for Patents
P.O. Box 1450
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Sir:

The following remarks are submitted to be fully responsive to the Office Action of May 31, 2006. Claims 1-31 are still pending in the present application. Reconsideration of this application in light of the remarks below are respectfully requested.

Referring now to the Office Action, claims 1-4, 6, 8-10, 12, 15-19, 21, 23-25, 27, 30, and 31 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 3,273,174 to Cassini in view of U.S. Patent No. 5,895,365 to Tomlinson. Cassini discloses a bed rest pillow, as most clearly shown in the various figures. However, as conceded by the Examiner, the bed rest pillow disclosed in Cassini fails to disclose, teach, or otherwise suggest, two elongate armrests that are rotatably coupled to the backrest so that in the folded position, a longitudinal axes of the arms extend along the two side edges of the backrest as recited in independent claims 1, 16 and 31, and in the dependent claims dependent thereon. To cure the deficiencies of Cassini, the Examiner cites Tomlinson which discloses a messaging bed rest cushion where the armrests are rotatably coupled to the backrest. The Examiner asserts that it would have been obvious to one of ordinary skill in the art to modify the device shown in Cassini in view of Tomlinson to derive the present invention, and in particular, that it would be obvious to "substitute a detachable, rotatable coupler as taught by Tomlinson '365 with the attachment means shown by Cassini '174." The Applicants respectfully disagree with this rejection, and request reconsideration and withdrawal thereof.

Initially, it is noted that Cassini discloses a bed rest pillow wherein the armrests are removable. The armrests are secured to the backrest of the bed rest pillow via secured loops (5 and 6) that receive an end of the armrests therein. In contrast, Tomlinson discloses a messaging bed rest cushion with armrests that can be pivoted to be spread apart from each other, while maintaining perpendicular orientation relative to the back portion of the bed rest cushion. Therefore, there would absolutely be no motivation to combine these references in the manner now suggested by the Examiner, since one functions to immovably secure the armrest, while the other rod 38 disclosed in Tomlinson functions to movably secure the armrests. Moreover, even if there was motivation to combine these references, such combination would result in a bed rest cushion wherein the armrests can be removed, and/or be spread apart, as taught in Cassini and Tomlinson, and would not result in a bed rest cushion that allows the armrests to be folded so that the longitudinal axes of the armrests extend along the side edges of the backrests as specifically recited in the rejected claims.

In the Response to Arguments section of the Office Action, the Examiner states that the bed rest pillow disclosed in Cassini includes snaps that secure the armrest, and such snaps can be replaced with the rod 38 disclosed in Tomlinson, to derive the present invention as claimed. The Applicants respectfully disagree. In particular, as noted above, the snaps disclosed in the Cassini reference function to immovably secure the loops 5 and 6 that receive the armrests. As most clearly shown in Figure 6 of Cassini, because of the spaced positioning of the two snaps at the top and bottom of each of the loops, pivoting of the armrest disclosed in Cassini would not be possible, even if one or both of the snaps disclosed in Cassini are replaced by the rod disclosed in Tomlinson as suggested by the Examiner. In other words, because Cassini clearly discloses a pair of snaps, even if one or both of the snaps are replaced by the rod 38 disclosed in Tomlinson, such a combination would still fail to disclose armrests that can be rotated. Of course, such combination also fails to result in armrests that can be rotated so that the longitudinal axes of the armrests extend along the side edges of the backrest, as specifically recited in the claims. Correspondingly, even if these references are combined in the manner suggested by the Examiner (even though there is no suggestion or motivation to do so), they still fail to result in the foldable messaging backrest, as presently claimed. Thus, the reconsideration and withdrawal of this rejection is respectfully requested.

Furthermore, it is also respectfully noted that these references still fail to disclose an axle that runs through the bottom portion of the backrest, as specifically recited in dependent

claims 15 and 30. In contrast, Cassini does not have an axle at all, and the rod 38 disclosed in Tomlinson protrudes from the backrest, but does not run through the bottom portion of the backrest, as recited in these claims. Correspondingly, for the reasons set forth above, the Applicants respectfully request the withdrawal of this rejection, and the allowance of these claims.

To the extent that this rejection is maintained, the Applicants respectfully request clarification as to where the cited references teach combining the references together as suggested by the Examiner, and how such combination results in the present invention as claimed in view of the fact that Cassini provides both top and bottom snaps that are spaced from each other.

Referring again to the Office Action, claims 5 and 20 were rejected under 35 USC § 103(a) as being unpatentable over Cassini and Tomlinson, discussed above, in further view of U.S. Patent No. 3,542,427 to Herpel et al. However, this rejection is believed to be rendered moot in view of the above comments, since claims 5 and 20 are ultimately dependent on independent claims 1 and 16, discussed above. Correspondingly, the withdrawal of this rejection, and the allowance of these claims are respectfully requested.

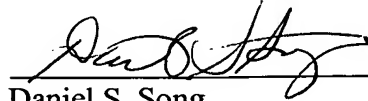
Referring again to the Office Action, claims 1, 7, 11-13, 15, 16, 22, 26-28, 30 and 31 were rejected under 35 USC §103(a) as being unpatentable over Cassini in view of Tomlinson, as discussed above, and in further view of U.S. Patent No. 6,682,494 to Sleichter, III et al. The Examiner relies upon Sleichter for disclosing vibratory and heating systems. However, Sleichter fails to cure the deficiencies of the primary references, Cassini and Tomlinson, as discussed above. Correspondingly, this rejection is also believed to be improper as well, and the withdrawal thereof and the allowance of these claims are respectfully requested.

Referring again to the Office Action, claims 14 and 29 were rejected under 35 USC § 103(a) as being unpatentable over Cassini in view of Tomlinson, discussed above, in further view of U.S. Patent No. 5,423,098 to Swezey et al. Again, this rejection is believed to be improper in view of the comments above, and in view of the fact that Swezey et al. fails to cure the deficiencies of the primary Cassini and Tomlinson references. Correspondingly, the withdrawal of this rejection and the allowance of these claims are respectfully requested.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner

deems that any issue remains after considering this response, he is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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Dated: August 31, 2006